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Attorneys for Defendant
MIRANT CALIFORNIA, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRANK RAYMONDE,

Plaintiff,

v.

MIRANT CALIFORNIA, LLC, and Does 1
through 20, inclusive,

Defendants.

Case No.: C 08-03733 WHA

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING DISCOVERY
CUT-OFF DATES**

Complaint Filed: May 20, 2008
Trial Date: November 30, 2009

Due to the need on the part of the Parties to extend the time for completion of discovery so as to insure the full preparation for trial, and the retention of appropriate expert witnesses, the Parties, by and through their counsel, hereby stipulate to a forty-five (45) day extension of the discovery deadlines set forth below.

In particular, the Parties agree that a continuance of the discovery deadlines is necessary and appropriate due to the lengthy illness of Defendant's lead counsel, Steve Likens, and the resulting conflicts with the trial schedule of Plaintiff's counsel. Mr. Likens was admitted to a

hospital in New Orleans on February 18, 2009, while traveling on business. After returning to his home in Senatobia, Mississippi, the following week, he remained under his doctor's care and off work for several weeks. Then, on March 13, 2009, he was admitted to Baptist Memorial Hospital-DeSoto in Southaven, Mississippi, for further treatment. There, he underwent two lung surgeries and remained in the hospital until March 31, 2009, after which he remained off work and restricted from driving. His doctors released him to return to work on May 1, but continue to restrict him from lifting and traveling for four more weeks. Mr. Likens will take the deposition of Plaintiff, defend the depositions of any of Defendant's management employees, and will attend any other depositions scheduled in this case. Further, Plaintiff's counsel, Daniel Bacon, is starting trial against the San Francisco Zoo this month, and has trials scheduled in June and July, as well.

IT IS HEREBY AGREED AND STIPULATED by and between the parties, through their respective counsel, that the relevant discovery deadlines be continued for 45 days, as follows:

<u>Event</u>	<u>Present Schedule</u>	<u>Continued Schedule</u>
Non-expert discovery cut-off	July 31, 2009	September 14, 2009
Expert witness disclosure	July 31, 2009	September 14, 2009

The deadlines for disclosing responsive expert testimony and reply expert testimony, as well as the deadlines for completion of expert discovery and for service of the list of issues for expert testimony shall be calculated from the continued dates.

The other deadlines set forth in the Case Management Order and Reference to ADR Unit for Mediation filed November 21, 2008, shall remain in place.

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IT IS SO STIPULATED:

Dated: May ____, 2009

LAW OFFICES OF DANIEL RAY BACON

By: _____
DANIEL RAY BACON
Attorneys for Plaintiff Frank Raymonde

Dated: May 7, 2009

FISHER & PHILLIPS LLP

By: /s/ Jennifer K. Ahtert _____
JENNIFER ACHTERT
Attorneys for Defendant Mirant California, LLC

ORDER

Based on the stipulation of the parties, it is hereby ORDERED that the scheduled dates regarding discovery are continued as follows:

<u>Event</u>	<u>Present Schedule</u>	<u>Continued Schedule</u>
Non-expert discovery cut-off	July 31, 2009	September 14, 2009
Expert witness disclosure	July 31, 2009	September 14, 2009

The deadlines for disclosing responsive expert testimony and reply expert testimony, as well as the deadlines for completion of expert discovery and for service of the list of issues for expert testimony shall be calculated from the continued dates.

The other deadlines set forth in the Case Management Order and Reference to ADR Unit for Mediation filed November 21, 2008, shall remain in place.

Dated: May 13, 2009

Hon. William H. Alsup
UNITED STATES DISTRICT COURT

